



An
Bord
Pleanála

Inspector's Report

ABP-318904-24

Development	Modifications to previously granted development ABP Ref. ABP-306325-20, consisting of amendments to Neighbourhoods 2 and 4 of the permitted SHD and amendment of Condition No. 3 to extend the permission period to 10 years.
Location	Lahardane, Ballyvolane, Cork City
Planning Authority	Cork City Council
Planning Authority Reg. Ref.	2342409
Applicants	Longview Estates Limited
Type of Application	Large-Scale Residential Development
Planning Authority Decision	Grant Permission
Type of Appeal	First against Conditions & Third Party
Appellants	Longview Estates Limited Michael Kearney
Observers	None
Date of Site Inspection	4 th March 2024
Inspector	Margaret Commane

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1.0 Site Location and Description

- 1.1. The appeal site is located in the townland of Lahardane in Ballyvolane, Co. Cork (c. 3km north of Cork City). It lies on the eastern side of the Ballyhooly Road (R614), c. 1.3km north of its intersection with the Ballyvolane Road. The site also has a limited secondary frontage to Lahardane Lane, which comprises a substandard local road to the north-east of the site providing access to a no. of one-off private residential dwellings. Ballyvolane is an existing largely residential area adjoining the northeast of Cork City, served by an existing retail core, located at the Fox and Hounds junction, and accessible from the Northern Ring Road (R635) via the R614.
- 1.2. More specifically, the appeal site is a 46.93ha irregular shaped parcel comprising of a number of large fields surrounded by mature trees and hedgerows which were previously used for tillage farming. Building works (enabling works and initial infrastructure provision) associated with the development previously approved under ABP Ref. ABP-306325-20 have commenced on site. The lands rise steeply from the Ballyhooley Road in the west to the north-eastern part of the lands. In the context of the subject application, the proposed amendments involve 2 no. areas featuring adjacent to the site's northern boundary, a c. 5186sqm area within Neighbourhood 2 and a c. 3940sqm area within Neighbourhood 4.
- 1.3. In terms of neighbouring properties, the areas involved in the subject amendments flank the rear and side boundaries of the following properties located to the north fronting Lahardane Lane: - Tara, Turnberry, An Cnoc, Twin Peaks, Glenfalls, Kiel Mahon and White Oaks.

2.0 Proposed Development

- 2.1. The proposed development comprises modifications to previously granted Strategic Housing Development ABP Ref. ABP-306325-20, which involved the construction of 753 no. residential units and a crèche. The proposed development seeks amendments to Neighbourhoods 2 and 4 of the permitted SHD and to amend Condition No. 3 to extend the permission period to 10 years.

- 2.2. More specifically, the applicable neighbourhoods will be amended as follows:
- In Neighbourhood 2: - replacement of 3 no. detached houses (Nos. 103-105) with 2 no. detached houses; replacement of 2 no. semi-detached houses (Nos. 66 and 67) with 1 no. detached house; removal of 1 no. mid-terrace house (No. 39); and amendments to the road layout and amenity pathway.
 - In Neighbourhood 4: - 4 no. houses (Nos. 51-54) will be reorientated and the road layout subject to localised amendments.
- 2.3. The proposed amendments would result in a 3 no. unit reduction resulting in an overall total of 750 no. residential units.

3.0 Planning Authority Opinion

- 3.1. For the Board's clarity, I confirm that the case file does not include a record of a LRD pre-application meeting, a Planning Authority Opinion, or Statement of Response from the applicant. The application form notes that a S247 pre-planning meeting (Ref. 95/23) took place and in the associated commentary, the Planning Authority stated that no further consultation was necessary given the proposed development is substantially the same as that originally approved. The Planning Authority's Planner's Report provides the following commentary in this regard: - *'consultation took place with the applicant and the Planning Authority noted the proposed development is substantially the same as permitted, and no further consultation was required prior to modification application being lodged'*.

4.0 Planning Authority Decision

4.1. Decision

Cork City Council granted planning permission on 20th December 2023, subject to 5 conditions, including Condition No. 3, which is the subject of the First Party Appeal.

Condition No. 3 reads as follows:

3. *The amended development shall comply with the governing permission (ABP-306325-20) and its condition in terms of duration.*

Reason: In the interest of clarity.

4.2. Planning Authority Reports

4.2.1. *Planning Report*

- The principle of development of the subject lands for residential, and other community and commercial uses, accords with the parent SHD permission granted under ABP Ref. No. ABP-306325-20, and the 'Z02-New Residential Neighbourhoods' zoning objective associated with the site.
- The lands are identified as Tier 2 – land that is serviceable within the lifetime of the current Cork City Development Plan 2022 - 2028. It is, therefore, considered essential that the phasing as set out in the parent SHD permission, which relates to infrastructural improvements for the service of these lands, continues to apply.
- It is considered that the proposed development continues to accord to higher level regional and local level strategies, including RPO 10: Compact Growth in Metropolitan Areas (RSES) and the advancement of the Urban Expansion Area identified in the Cork MASP.
- The proposed dwellings comply with the Development Plan requirements pertaining to private open space provision, density and height. No significant changes to dwelling mix have been made.
- The proposed dwellings meet with the requirements of the Quality Housing for Sustainable Communities: Best Practice Guidelines for Delivering Homes Sustaining Communities (2007).
- The proposed development will not impact negatively upon the amenity of residents in the vicinity of the site by way of loss of access to light. Further the amenity of future residents is adequately provided for both in their homes and in public open spaces.
- It is considered that the amenity of existing and future residents has been adequately catered for in the proposed development.
- This is an amendment to permitted SHD involving a removal of 3 houses from the original scheme and minor changes.
- Having regard to the zoning of the site and the policies set out in the City Development Plan, the National Planning Framework and Ministerial Guidance,

the principle of the development is supported and welcomed by the Planning Authority. The proposed development accords with the zoning objectives for the site and accords with the general strategic development objectives of the Cork City Development Plan, and national planning guidance and is acceptable in principle.

- The proposed development will result in provision of attractive family homes with sustainable residential densities. The design, form and layout of the proposed development is considered positive and is in accordance with the guidance and objectives as set out in the City Development Plan and National Planning Guidelines.
- As regards the request to extend the original permission from 7 year to 10 years, it is noted that permission was granted by An Board Pleanala in 2020 and there is still a significant time period left to complete the development under the governing permission. It is also noted that this is an amendment application, and it is not possible under this application to alter the governing permission, and An Extension of Duration application would be the appropriate mechanism at the appropriate time.

4.2.2. **Other Technical Reports**

Drainage Division (22/11/2023): No objection subject to compliance with original conditions

Housing Department (4/12/2023): No objection

Environment Waste Management & Control (5/12/2023): No objection subject to compliance with original conditions

Urban Roads and Street Design (12/12/2023): No objection subject to conditions

Contributions Section (11/12/2023): No objection subject to conditions

City Architects Dept. (27/11/2023): No objection

4.3. **Prescribed Bodies**

Inland Fisheries Ireland - No objection subject to conditions.

Uisce Eireann - No objection subject to conditions.

4.4. **Third Party Observations**

2 third party observations were submitted to the Planning Authority. The main issues raised therein are as follows:

- Connectivity and compatibility with future proposals.
- Impact of Houses No. 103 and 105 on their property.
- Hydrology, waste water, storm and sewer water design need to reflect existing challenges in the area. Surface water catchment patterns follows hydrology through area House Nos. 103 and 105 are proposed and then on to neighbouring land.
- EIAR details needs to translate planning process in its entirety.

5.0 **Planning History**

5.1. **Appeal Site**

5.1.1. There has been 1 no. previous application pertaining to the subject site of relevance.

ABP Ref. ABP-306325-20

This application involved a proposal for a strategic housing development involving: - the construction of 753 residential units (600 no. houses and 153 no. apartments) across 6 no. neighbourhoods and a local centre, including 2 no. retail units, a crèche, a doctors surgery and a community use unit.

The development was granted permission by the Board on 27th May 2020 subject to 32 no. conditions, including Condition No. 3 limiting the permission duration to 7 years and Condition No. 6 requiring the provision of a revised, larger community centre.

5.2. **Adjacent Sites**

There are no recent applications on the sites immediately adjacent to the subject site that are pertinent to the current proposal.

6.0 Policy Context

6.1. National Policy

6.1.1. Project Ireland 2040 - National Planning Framework

The National Planning Framework (NPF) is a high-level strategic plan shaping the future growth and development of Ireland to 2040. The NPF includes 75 no. National Policy Objectives. The following objectives are of note in this instance:

NPO 3(a) - Deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements.

NPO11 - In meeting urban development requirements, there be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth.

NPO 33 - Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

NPO 35 - To increase densities in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

6.1.2. Housing for All – A New Housing Plan for Ireland to 2030 (2021)

A multi-annual, multi-billion euro plan which will improve Ireland's housing system and deliver more homes of all types for people with different housing needs. The overall objective is that every citizen in the State should have access to good quality homes:

- to purchase or rent at an affordable price.
- built to a high standard and in the right place.
- offering a high quality of life.

6.1.3. Climate Action Plan 2023

The Climate Action Plan 2023 implements carbon budgets and sectoral emissions ceilings and sets a roadmap for taking decisive action to halve our emissions by 2030 and reach net zero no later than 2050. By 2030, the plan calls for a 40% reduction in

emissions from residential buildings and a 50% reduction in transport emissions. The reduction in transport emissions includes a 20% reduction in total vehicle kilometres, a reduction in fuel usage, significant increases in sustainable transport trips, and improved modal share.

6.1.4. **Section 28 - Ministerial Guidelines**

The following Section 28 - Ministerial Guidelines are considered of relevance to the proposed development. Specific policies and objectives are referenced within the assessment where appropriate.

- Urban Development and Building Heights - Guidelines for Planning Authorities (2018).
- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2023).
- Sustainable Residential Development and Compact Settlements - Guidelines for Planning Authorities (2024).
- Delivering Homes, Sustaining Communities (2007) and the accompanying Best Practice Guidelines - Quality Housing for Sustainable Communities.
- The Planning System and Flood Risk Management, including the associated Technical Appendices (2009).
- Design Manual for Urban Roads and Streets (DMURS) (2019).
- Childcare Facilities, Guidelines for Planning Authorities (2001).
- Cycle Design Manual (2023).

6.2. **Regional Policy**

6.2.1. **Regional Spatial and Economic Strategy for the Southern Region, 2020**

The Regional Spatial and Economic Strategy (RSES) for the Southern Region provides for the development of nine counties (Cork, Clare, Kerry, Limerick, Tipperary, Waterford Carlow, Kilkenny and Wexford) including the Cork City area, and supports the implementation of the National Development Plan (NDP). Cork City and suburbs is the largest settlement in the Region with a population of over 208,000. Cork City is one of three cities categorised as Metropolitan Areas. Ballyvolane is located within the designated metropolitan area of Cork.

One of the Guiding Principles outlined in the Cork MASP is to ‘*promote consolidation of Cork City and suburbs, refocus on the development of brownfield and infill lands to achieve a target of a minimum 50% of all new homes within the existing built up footprint in Cork and 30% in other metropolitan settlements*’. More specifically, the Urban Expansion Area of Ballyvolane is expected to provide 3,600 units.

6.2.2. **Cork Metropolitan Area Transport Strategy (CMATS) 2040**

The Cork Metropolitan Area Transport Strategy 2040 proposes a number of improvements to Regional and Local Roads over the next two decades, including the Cork Northern Distributor Road. This is a short-term objective and considered to be a ‘critical enabler’ for CMATS as, among other things, creates opportunities for sustainable development of existing land banks in the Northern Cork Metropolitan area including Monard SDZ and the Ballyvollane Urban Expansion Area. The Ballyhooly Road is identified as a Strategic Routes in terms of walking. Upgrade works are proposed to the same to facilitate on-going regeneration in the Ballyvolane UEA area and access to increased bus services.

6.3. **Local Policy**

6.3.1. **Cork City Development Plan 2022-2028**

Land Use Zoning

The majority of the subject site (including the area involved in the subject amendments) is zoned ‘ZO 02 - New Residential Neighbourhoods’ in the Cork City Development Plan 2022-2028 with a stated objective ‘*to provide for new residential development in tandem with the provision of the necessary social and physical infrastructure.*’ Part of the subject site, an area featuring centrally along the site’s southern boundary is zoned ‘ZO 15 - Public Open Space’ with a stated objective ‘*to protect, retain and provide for passive and active recreational uses, open space, green networks, natural areas and amenity facilities.*’

The land immediately east of the subject site is identified as ‘Long Term Strategic Development Lands’. According to Section 12.15 of the Cork City Development Plan

2022-2028, these are lands that are required beyond this Plan period to fulfil the City's ambitions in achieving the growth targets for 2040.

Other Relevant Sections/Policies

The following policies are considered relevant to the consideration of the subject proposal:

Chapter 2, Section 2.1 Strategic Objectives for Growth

The following Strategic Objectives for Growth are outlined:

- *SO 1: Compact Liveable Growth - Deliver compact growth that achieves a sustainable 15-minute city of scale providing integrated communities and walkable neighbourhoods, dockland and brownfield regeneration, infill development and strategic greenfield expansion adjacent to existing city.*
- *SO 2: Delivering Homes and Communities - Provide densities that create liveable, integrated communities by using a mix of house types, tenures and sizes linked to active and public transport. Provide amenities, services and community and cultural uses to enable inclusive, diverse and culturally rich neighbourhoods.*
- *SO 9: Placemaking and Managing Development - Develop a compact liveable city based on attractive, diverse and accessible urban spaces and places. Focus on enhancing walkable neighbourhoods that promote healthy living, wellbeing and active lifestyles, where placemaking is at the heart. Follow a design-led approach with innovative architecture, landscape and urban design that respects the character of the city and neighbourhood.*

Chapter 2, Core Strategy

The Core Strategy identifies Ballyvolane as a strategic area within and adjoining the existing City within which consolidation and expansion is sought to achieve compact growth. A population growth target of 9,197 is set out for the North-eastern City Suburbs.

Chapter 2, Section 2.57 Objectives for City Growth

Ballyvolane is identified as a key site in the city suburbs which will help to deliver the Core Strategy as follows:

Consolidate and enhance by providing a mix of new neighbourhood uses in suitable underutilised locations. Prioritise walking, cycling and public transport access. Deliver uses, layouts and densities that enhance existing local character. Deliver high quality sustainable transport orientated development in combination with high frequency bus routes, the new commuter station at Blackpool (Kilbarry) and prioritised cycling and walking routes set out in CMATS.

Chapter 3, Objective 3.4: Compact Growth

Cork City Council will seek to ensure that at least 66% of all new homes will be provided within the existing footprint of Cork. Cork City Council will seek to ensure that at least 33% of all new homes will be provided within brownfield sites in Cork.

Chapter 3, Objective 3.5: Residential Density

Cork City Council will seek to:

- a. Promote compact urban growth by encouraging higher densities throughout Cork City according to the Cork City Density Strategy, Building Height and Tall Building Study and resultant standards set out in Chapter 11: Placemaking and Managing Development and Mapped Objectives; and*
- b. Ensure that urban density is achieved by development proposals providing for high quality sustainable residential development, ensure a balance between the protection of the established character of the surrounding area and existing residential amenities;*
- c. Ensure that urban density is closely linked to creating successful neighbourhoods and ensuring that neighbourhoods are integrated and permeable to ensure short trips are possible to urban centres, local services and amenities;*
- d. Ensuring high-quality architectural, urban and public realm design. Guidance is set out in Chapter 11: Placemaking and Managing Development.*

Chapter 3 - Objective 3.6: Housing Mix

Cork City Council will seek to:

- a. Implement the provisions of the Joint Housing Strategy and HNDA as far as they relate to Cork City;*
- b. Encourage the development of an appropriate mix of dwelling types to meet target residential densities, utilising a range of dwelling types and density*

typologies informed by best practice (as illustrated in “Density Done Well” in the Cork City Density Strategy, Building Height and Tall Building Strategy) with combinations of houses, stacked units and apartments;

- c. Within all new residential developments it will be necessary to ensure an appropriate balance of housing tenure and dwelling size to sustain balanced and inclusive communities, including a balance of family - sized units and smaller dwellings tailored to suit the location (please refer to Chapter 11: Placemaking and Managing Development for those standards);*
- d. Deliver at least 20% below - market priced housing across Cork City and ideally within each new residential neighbourhood;*
- e. Encourage the provision of housing for one and two person households in all neighbourhoods to meet the needs of all age groups, including providing for downsizing to release family housing units;*
- f. Update Development Plan policy as necessary to reflect emerging national guidance with regard to housing standards.*

Chapter 10, Key Growth Areas & Neighbourhood Development Sites

Ballyvolane is designated as a key growth area. There are significant areas of land on either side of the Ballyhooly Road to the North-east of Ballyvolane identified for future growth incorporating residential, employment, local services and open space.

Chapter 10, Objective 10.75: Ballyvolane East and West Expansion Areas

To support the compact growth and development of Ballyvolane East and West Expansion Areas as strategic City consolidation and expansion areas, as identified in the Core Strategy. All development shall be designed, planned and delivered in a co-ordinated and phased manner, using a layout and mix of uses that form part of an emerging neighbourhood integrated with the wider area.

Chapter 11, Car Parking

A car parking rate of 1.25 spaces per 1 and 2 bedroom residential unit and 2.25 spaces per 3-3+ residential unit is specified for sites located within Parking Zone 3.

Section 12.22, Land Uses and Flooding

Proposals shall only be considered favourably where it is demonstrated to the satisfaction of Cork City Council that they would not have adverse impacts or impede access to a watercourse, flood-plain or flood protection and management facilities, or increase the risk of flooding to other locations and be in accordance with the proper planning and sustainable development of the area.

The nature and design of structural and non-structural flood risk management measures required for development in such areas will also be required to be demonstrated, to ensure that flood hazard and risk will not be increased. Measures proposed will follow best practice in the management of health and safety for users and residents of the development.

6.4. Natural Heritage Designations

6.4.1. There are no Natura 2000 sites within the boundary of the appeal site nor are there any Natura 2000 sites directly abutting the appeal site or within the immediate context of the site. The closest Natura 2000 site is the Cork Harbour SPA (Site Code 00430) which is located c. 2.8km to the south-east of the appeal site.

7.0 The Appeal

7.1. Grounds of the Third-Party Appeal

A third party appeal has been submitted by Michael Kearney. The main points raised can be summarised as follows:

- The proposed development, will have hydrological impacts, including in terms of storm water drainage and surface water flow, on our property which immediately abuts the appeal site.
- Historically, and presently, a portion of the appeal site and our land drains to a gully on the public road to the north of the appeal site. Surface water flows from the appeal site on to our land (in an easterly direction) as was clearly visible during and following recent rainfall events. From there, the surface water flows in a westerly direction through an agricultural gate in the common boundary ditch and across the appeal site before ultimately discharging to an existing gully.

- Serious concerns exist that the application has failed to deal with surface water flow issues. It is contended that the proposed development, which features dwellings abutting the existing flow path, will alter the flow of surface water and cause a serious risk of flooding to neighbouring properties/surface water ponding on our lands.
- The requirements of paragraph 12.22 of the Cork City Development Plan have not been dealt with by means of a further information request or by condition. The applicants have failed to demonstrate the nature and design of the flood risk management measures and no proposals have been included to deal with existing flow. The application submitted deals comprehensively with the stormwater run off generated by the proposed development, but fails to identify and deal with the existing combined stormwater runoff from the subject lands and adjoining lands.
- It is requested that any grant of permission be conditioned that the applicant should submit a detailed comprehensive design to deal with surface water flow from both the subject lands and our lands, prior to commencement of development. Such a design should prevent flooding of our land, along with the public road and neighbouring properties.

7.2. Grounds of the First Party Appeal

A first party appeal against Condition No. 3 of the decision to grant permission was received from the applicant. The following is a summary of the main issues raised:

- The Planning Authority has retained the condition restricting the permission duration to 7 years on procedural grounds. These grounds have no basis in legislation. A legal opinion accompanies the appeal, prepared by McCann Fitzgerald, which confirms this position.
- A 10-year consent was originally sought due to the complexity of delivery, arising from major Irish Water infrastructure works required. Further to this, overall consent has been delayed by many other forces outside of the control of the applicants, including: - delays in compliances; covid construction inflation due to the war in Ukraine; and changes in legislation where Section 146 was altered to remove the opportunity to amend SHD consents.

- Owing to the significant delays and challenges beyond the control of the applicant, the development was not able to commence when initially granted permission and the actual time afforded to complete the development is below that of a standard application. Enabling works commenced in April 2023, over 3 years in to the planning permission period, meaning that there is only 4 years left to complete this large scale development. Waiting to submit an extension of duration application could jeopardise the viability of the whole scheme.
- It is requested that Condition No. 3 be reworded as follows: - *'the permission shall be for a period of ten years'*.
- The Planning Authority's commentary regarding the request to extend the original permission from 7 year to 10 years and it not being possible under this application to alter the governing permission/an Extension of Duration application being the appropriate mechanism is noted. In this regard, it is contended that this determination is not substantiated. There is nothing in Section 34 of the Planning and Development Act, 2000 (as amended) that would preclude the Planning Authority from approving the proposed amendment. The Planning Authority also fails to substantiate how it contends that there is a 'significant time period left to complete the development' contrary to the justification contained in the planning statement.
- Given that the original permission was granted was for 753 no. units (well in excess of the EIA mandatory threshold) and that it is not possible to secure extension of durations under Section 40 where an EIA or AA is required, there is no certainty that the scale of development remaining to be constructed in 2027 when the current permission is set to expire would be capable of being extended.
- The Board has previously saw fit to issue 10-year consents for the following SHD projects:
 - ABP Ref. ABP-300543-18, which involved (in summary) the construction of 608 no. residential units/a crèche in Ballinglanna, Glanmire, Co. Cork.
 - ABP Ref. ABP-309059-20, which involved (in summary) the construction of 1,002 no. apartments/childcare facilities at the Former Ford Distribution Site, Fronting on to Centre Park Road, Marquee Road and Monahan's Road, Cork.

- ABP Ref. ABP-311059-21, which involved (in summary) the construction of 1,365 no. units and a creche in Corballis East, Donabate, Co. Dublin.
 - ABP Ref. ABP-313176-22, which involved (in summary) the construction of 977 no. units and a creche on Lands at the Central Mental Hospital, Dundrum Road, Dundrum, Dublin 14.
 - ABP Ref. ABP-313210-22, which involved (in summary) the construction of 817 no. units and a creche at Castlelands, Accessed from Castlelands roundabout, Castleland Park View, Tanners Water Lane and Pinewood Green in the townlands of Hampton Demesne, Kilsough North and Balbriggan, Balbriggan, Co. Dublin.
 - ABP Ref. ABP-314125-22, which involved (in summary) the construction of 1,243 no. units and a creche at Barberstown, Barnhill and Passifyoucan, Clonsilla, Dublin 15.
- Cork City and County Councils have also approved the following 10-year consents:
 - PA Reg. Ref. 21/40702, which involved (in summary) the construction of a mixed-use development on lands between Kennedy Quay, Marina Walk, Victoria Road and Mill Road, in the South Docklands.
 - PA Reg. Ref. 21/42106, which involved (in summary) the construction of a Large-Scale Residential Development comprising 1325 no. residential units at the Goulding's Site, Centre Park Road and Monahan Road, Cork.
 - PA Reg. Ref. 22/6627, which involved (in summary) the construction of a Large-Scale Residential Development comprising 330 no. residential units at Knockgriffin, Middleton, Co. Cork.
 - The original application was subject to EIA and AA and the reason for curtailing the period to complete the development from 10 to 7 years did not relate to any environment impact of any potential impact on a European site.

7.3. Appellant Responses

7.3.1. *First Party Response to Third Party Appeal*

The applicant's response to the third party appeal can be summarised as follows:

- Referring to the provisions of Section 138 of the Planning and Development Act, 2000 (as amended), the appeal is without substance or foundation. The lands to which the third party appellant refers are agricultural lands with no development consents or known proposals attaching to them to our knowledge. The drainage provisions that apply to our consent were previously permitted by the parent consent.
- The appeal submission pays no regard to the fact that the drainage will be different once the consent is implemented as its infrastructure will capture surface water and direct it to the on site drainage network which is being constructed, draining the subject site in a westerly direction away from the land holding that the third party appellant refers to. To demand that we account for water flows from the adjacent lands disregards the fact that a development proposal/consent must exist in those lands. Creating imprecise, conditional linkages as asked by the Appellant is not reasonable.
- The lands to which the third party appellant refers are part of the lands that are defined as *'a third tier – Longer Term Strategic Development Land. These are lands that are required beyond this plan period to fulfil the City's ambitions in achieving the growth targets for 2040. These lands are not zoned as they are considered as being unlikely to be served during the lifetime of the plan.'*
- The letter from O'Dowd Solicitors accompanying the third party appeal is somewhat contradictory. The registered owner of the lands is one Sidney McElhinney, notwithstanding the fact that it is stated that 'the Kearney Family' purchased the lands in December 2014. It is not stated exactly who purchased the land and there is no clarity as to the nature of the interest Aoife Deegan and Altomount SP have in the lands.

7.3.2. ***Third Party Response to First Party Appeal***

The applicant's response to the first party appeal can be summarised as follows:

- The writings of Gavin Lawlor and Brendan Slattery are interesting but specific to our concerns regarding item no. 2 EIAR submission, my concern is a circumvention of our specific issue/remedy is in play.
- John Crean in the text exhibition exhibits my concerns, the deficiencies in the water course mapping and the need for "detailed drawings", hence the need for third party oversight or adjudication.
- Extending a permission only exacerbates the situation without dealing with a neighbourly challenge re ongoing surface water and its unimpacted flow.

7.4. **Planning Authority Response**

- None.

7.5. **Observations**

- None.

7.6. **Further Responses**

- None.

8.0 **Assessment**

The principle of residential development has been established on site. As previously discussed, planning permission has previously been granted, under ABP Ref. ABP-306325-20, for a Strategic Housing Development comprising of 753 no. residential units. In light of this and from my reading of the file, inspection of the site and assessment of the relevant policy provisions, I conclude that the key issues relevant to the appeals are limited to:

- Surface Water Drainage and Flooding.
- Condition No. 3 Amendment.

- Amendments to Neighbourhood 2.
- Amendments to Neighbourhood 4.
- Appropriate Assessment/Environmental Impact Assessment Screening.

8.1. **Surface Water Drainage and Flooding**

- 8.1.1. The primary issue raised by the third party appellant is that the proposed amendments will have negative impacts, in terms of storm water drainage, surface water flow and flooding, on their land to the immediate east of the appeal site. Particular concerns are raised in the context of surface water, which currently flows from the appeal site on to the applicable neighbouring land. The third party appellant contends that, although the application submitted deals comprehensively with the stormwater run-off generated by the proposed development, it fails to identify and deal with the existing combined stormwater runoff from the subject lands and adjoining lands. In terms of flooding, they contend that the requirements of paragraph 12.22 of the Cork City Development Plan 2022-2028 have not been satisfied and that the applicants have failed to demonstrate the nature/design of the flood risk management measures, including those included to deal with existing flow. In response to the matters raised by the third party appellant, the first party appellant notes that the drainage proposals were previously permitted by the parent consent and that the third party appellant pays no regard to the fact that the drainage will be different once the site is developed, the infrastructure capturing surface water and directing it to the on-site drainage which drains in a westerly direction away from the third parties land holding. In the absence of a development proposal/consent for those lands, it would be unreasonable to ask the Applicant to deal with surface water from the same.
- 8.1.2. Before considering the proposed development's potential impacts in terms of drainage and flooding, I think it beneficial to discuss the appeal site in the context of the land referenced in this third party appeal. The appeal site is located immediately west of the applicable land. More specifically, in the context of the amendments proposed the area in Neighbourhood 2 proposed to be modified is in closest proximity to the land referenced in this third party appeal. It is located c. 170 metres west.

- 8.1.3. Upon review of the engineering drawings, prepared by M.H.L & Associates Ltd. Consulting Engineers, accompanying the subject application, it would appear that only very minor amendments are proposed to the storm and foul water layouts originally approved under ABP Ref. ABP-306325-20. The changes are limited to the areas immediately proximate to the applicable houses and involve only slight reconfiguration of the layouts originally approved to reflect the repositioned houses. This is affirmed by the commentary of Cork City Council's Drainage Division on the application which states that the application '*includes very minor amendments to the drainage network in two areas resulting from the reorientation of some housing units*'. They raise no objection to the grant of permission given all previous drainage conditions imposed by the Board continue to apply.
- 8.1.4. Given the separation distance that exists between the land referenced in the third party appeal and the areas proposed for amendment, the limited area involved in the amendments and the minor nature of the changes proposed to the drainage layout, I am satisfied that that there are no issues created by the proposed amendments in terms of drainage or flooding, including in the context of neighbouring properties. With regards to potential flooding, the original application under ABP Ref. ABP-306325-20 included a Site-Specific Flood Risk Assessment (SFRA), as part of the Engineering Design Report prepared by M.H.L & Associates Ltd. Consulting Engineers. It concluded that '*the development is at low risk of flooding and the development is deemed appropriate in the proposed site location*'. Given the minor nature of the amendments proposed, I am satisfied that the findings of this SFRA remain relevant in the context the subject proposal.

8.2. **Condition No. 3 Amendment**

- 8.2.1. The applicant sought permission to amend Condition No. 3 attached to the Board's Order, under ABP Ref. ABP-306325-20, to extend the duration of permission from 7 to 10 years. In its Notification of Decision to Grant Permission, Cork City Council included a condition, Condition No. 3, requiring that the amended development comply with the original permission (ABP Ref. ABP-306325-20) and its condition in terms of duration. The Planners Report provided the following commentary in this regard: - '*as regards the request to extend the original permission from 7 years to 10 years, it is noted that permission was granted by An Bord Pleanala in 2020 and there is still a*

significant time period left to complete the development under the governing permission. It is also noted that this is an amendment application, and it is not possible under this application to alter the governing permission, and An Extension of Duration application would be the appropriate mechanism at the appropriate time.'

8.2.2. The first party appeal relates solely to the inclusion of this aforementioned condition. In this regard, the first party appellants contend that a 10-year consent is required due to the complexity of delivery, arising from major Irish Water infrastructure works required, as well as delays in commencement (outside the applicant's control), including: - delays in compliances; covid; construction inflation due to the war in Ukraine; and changes in legislation. They argue that there is no legal basis for the Planning Authority's contention that a condition restricting the permission duration to 7 years must be retained. A legal opinion, prepared by McCann Fitzgerald, which discusses this particular matter accompanies their appeal submission. They also make reference to a no. of applications in which, both An Bord Pleanála and Cork City and County Councils, saw fit to approve 10-year consents.

8.2.3. The first matter requiring consideration in the context of this aspect of the proposed amendments, is the appropriateness of altering the duration of the parent permission by way of this application. As outlined above, the Planning Authority contends that it is not possible to alter the governing permission in such a manner under this application. In this regard, the legal opinion accompanying the first party appeal makes reference to the *South-West Regional Shopping Centre v. An Bord Pleanála* [2016] IEHC 84. This case considered the acceptability of making amendments to extant parent permissions in the context of the Planning and Development Act. Upon review of this case, I note the following specific text relating to the subject of altering permission duration:

63. I am satisfied that the possible prolongation of the duration of a particular planning permission by the granting of an amendment to an extant permission is not invalid or impermissible as a matter of principle. Thus, I reject the applicants' argument that there can be no implied power to amend planning permissions based upon the argument that it involves impermissible encroachment on evolving planning policy. Separately, I

am satisfied that the Board was entitled as a matter of principle to limit the duration of the grant of planning permission in the manner it did. Further, the fact that the Developer had sought a grant of planning permission on 2nd July, 2014, for a permission of five years duration did not mean that the application was in fact a stand alone new application for planning permission and that it therefore did not constitute an application to amend the existing partially constructed and incomplete retail/commercial development.

64. *I conclude that the Board had jurisdiction to treat the application for planning permission as a “revision”, “variation” or “amendment” of existing planning permissions and that it acted intra vires in assessing the application as an application to amend or vary an existing planning permission. It acted intra vires in limiting the duration of the permission to that of the permissions being amended or varied (emphasis added).*

8.2.4. Having regard to the above legal interpretation, I am satisfied that it is possible to alter the governing permission under this application, including conditions pertaining to permission duration. However, there is a second matter needing to be considered in the context of this aspect of the proposed amendments - whether or not it is appropriate to increase the time period for completion of the permitted development to 10 years, from 7 years as per the original Board Order, in this instance. This I will consider now.

8.2.5. The appropriateness of a 10-year permission period was originally considered in the contest of the parent permission, ABP Ref. ABP-306325-20, for the site. The Planning Inspector included the following commentary regarding the 10-year permission sought:

12.12 The proposed development has been advertised for a 10 year permission. It includes the provision of a 2 no. pumping stations and upgrade of the R614 Ballyhooley Road, which the applicant considers significant infrastructure provisions. The Strategic Housing Legislation is a process to fast track the delivery of housing, although having regard to the works required on the site for the rerouting of a 38kv line, the quantum of housing and the upgrade of the regional route, I consider it justifiable to permit an extended lifespan for

the proposed development, should the Board decide to grant permission. I consider a 7 year permission would be sufficient.

Their recommendation regarding the granting of a 7-year permission was subsequently adopted by the Board who saw fit to include a condition (Condition No. 3) limiting the period of permission as such.

8.2.6. While I appreciate the considerations of the original Planning Inspector/the Board, as well as the original intention of the Strategic Housing Legislation process to fast track the delivery of housing, I am compelled to have regard to the factors impacting upon the commencement/advancement of this development outlined in the first party appeal submission. The majority of these factors, including covid and construction inflation due to the war in Ukraine, could not have been foreseen when the proposed development was originally determined in May 2020. As illustrated by the site visit photos accompanying this report, enabling works/initial infrastructure provision, associated with development previously approved under ABP Ref. ABP-306325-20, have commenced on site.

8.2.7. Having regard to the foregoing and given considerable progress has been made in the context of enabling works/initial infrastructure provision on site, I think it would be appropriate in this instance to include a suitably worded condition facilitating an extension of the permission duration.

8.3. Amendments to Neighbourhood 2

8.3.1. The primary consideration in the context of the proposed amendments to Neighbourhood 2 is residential amenity. More specifically, there are three residential amenity aspects requiring consideration – potential impacts on the residential amenity of neighbouring properties, potential impacts on the residential amenity of previously permitted dwellings on the subject site and the residential amenity afforded future residents of the dwellings involved in the subject amendments. These will be considered in turn overleaf.

Neighbouring Properties

- 8.3.2. The applicable area of Neighbourhood 2 proposed for amendment is proximate to the following neighbouring properties: - An Cnoc (to the west), Turnberry (to the north) and Tara (to the north).
- 8.3.3. Proposed Dwellings No. 39 and 66 have habitable room windows at upper floor level with an outlook towards An Cnoc and Turnberry, respectively. I do not consider that these proposed dwellings would have any significant or undue overlooking impacts on these two neighbouring properties due to the existing/proposed boundary treatment featuring along the common boundary, the setbacks from the provided from the common boundary (28.8 metres and 18.96 metres, respectively) and the large gardens serving these neighbouring properties. Proposed Dwelling No. 103 is devoid of north-facing habitable room windows at upper floor level so there is no opportunity for overlooking of Tara to the immediate north.
- 8.3.4. With regards to the potential overbearing impacts and overshadowing, it is not considered that the proposed dwellings increase the development's overbearing impact or potential overshadowing of these properties to the west and north as the proposed dwellings are of a similar height and design as those originally approved under ABP Ref. ABP-306325-20 and similar generous, and in some instances increased, setbacks are adopted from the applicable common boundaries (a minimum of 15.725 metres).

Dwellings Approved Under ABP Ref. ABP-306325-20

- 8.3.5. Permission was previously granted, under ABP Ref. ABP-306325-20, for 531 no. houses and 222 no. apartments/duplexes to be constructed on the appeal site. More specifically, the proposed dwellings abut/are proximate to previously approved Dwellings No. 40, 41, 45, 46, 47, 65, 106 and 121. Upon review of the Neighbourhood 2 Site Layout Plan accompanying the application, I am satisfied that the proposed dwellings are appropriately designed/positioned relative to the previously approved dwellings and the separation distances provided between opposing first floor windows in the context of these previously approved dwellings comply with Specific Planning Policy Requirements 1 outlined in the recently published Sustainable Residential Development and Compact Settlements - Guidelines for Planning Authorities (2024).

Therefore, it is not considered that this aspect of the proposed amendment will have a detrimental impact on the residential amenity of the residential units previously approved under ABP Ref. ABP-306325-20.

Proposed Dwellings

- 8.3.6. The proposed amendments to Neighbourhood 2 result in the provision of 3 no. detached 4-bedroom houses, more specifically 2 no. House Type 5A2 and 1 no. House Type 5B2. The proposed 4-bed (7P) dwellings have a total floor area of 168.7sqm across the 3 floors which complies with the 120sqm requirement set out in the Quality Housing for Sustainable Communities, 2007. Further to this, the proposed dwellings comply with, and in most instances exceed, the requirements specified in relation to minimum main living area, aggregate living area, aggregate bedroom area, storage, bedroom sizes, living room widths and bedroom widths. Having reviewed the proposed floor plans, I am satisfied that the houses are suitably designed and adequately sized internally to provide an adequate level of residential amenity to future residents.
- 8.3.7. Upon review of the Neighbourhood 2 Site Layout Plan accompanying the application, the separation distance provided between opposing first floor windows in the context of these dwellings and the private open space areas serving them comply with Specific Planning Policy Requirements 1 and 2, respectively, outlined in the recently published Sustainable Residential Development and Compact Settlements - Guidelines for Planning Authorities (2024).

Access and Car Parking

- 8.3.8. The house amendments proposed in Neighbourhood 2 have resulted in alterations to the road layout and amenity pathway. More specifically, the turning head featuring outside Dwellings No. 61-66 has been repositioned further west and the amenity pathway has been pushed to the north of the access road/turning head. These alterations are localised and minor in nature. Therefore, they are not considered problematic in the context of the wider scheme or road safety more broadly.
- 8.3.9. In terms of car parking provision, the proposed houses continue to be served by 2 no. car parking spaces, consistent with the requirements of Specific Planning Policy Requirement 3 outlined in the recently published Sustainable Residential

Development and Compact Settlements - Guidelines for Planning Authorities (2024), as well as the Cork City Development Plan 2022-2028.

8.4. **Amendments to Neighbourhood 4**

8.4.1. Similar to the Neighbourhood 2 amendments, residential amenity is also the primary consideration in the context of the proposed amendments to Neighbourhood 4.

8.4.2. Neighbouring Properties

8.4.3. The 4 no. dwellings proposed to be reorientated in Neighbourhood 4 are proximate to the following neighbouring properties: - Whiteoaks (to the west), Kiel Mahon (to the north), Glenfalls (to the north) and Twin Peaks (to the east).

8.4.4. Reorientated Dwellings No. 51-54 (inclusive) have habitable room windows at upper floor level with an outlook towards Kiel Mahon and Glenfalls. I do not consider that these dwellings would have any significant or undue overlooking impacts on these two properties due to the proposed boundary treatment featuring along the common boundary, the setbacks from the provided from the common boundary (a minimum of 17.6 metres) and the large gardens serving these neighbouring properties. In the context of Whiteoaks and Twin Peaks, Proposed Dwellings No. 51 and 54 are devoid of west-facing and east-facing habitable room windows at upper floor level so there is no opportunity for overlooking of these properties.

8.4.5. With regards to the potential overbearing impacts and overshadowing, it is not considered that the reorientation of the dwellings increases the development's overbearing impact or potential overshadowing of these properties to the north, east and west as the proposed dwellings are of a similar height and design as those originally approved under ABP Ref. ABP-306325-20 and similar generous are adopted from the applicable common boundaries (a minimum of 7.5 metres). Further to this, the neighbouring properties feature large gardens proximate to the subject site.

Dwellings Approved Under ABP Ref. ABP-306325-20

8.4.6. In the context of the residential units previously granted under ABP Ref. ABP-306325-20, the reorientated dwellings are proximate to previously approved Dwelling No. 55.

Upon review of the Neighbourhood 4 Site Layout Plan accompanying the application, I am satisfied that the reorientation of these 4 no. dwellings will not have a negative impact on the residential amenity of this previously approved dwelling. In fact, the reorientated dwellings adopt more generous separation distances than originally provided between Dwellings No. 51 and 55.

Proposed Dwellings

- 8.4.7. 3 of the 4 no. reorientated dwellings (Dwellings No. 52-54) are House Type 5A1, as per the original approval under ABP Ref. ABP-306325-20. Dwelling No. 51 comprised of House Type 5B1 when originally approved. Under the current amendment, this dwelling will comprise of House Type 5A1. This house type was found to offer residents an appropriate level of residential amenity when originally considered in the context of ABP Ref. ABP-306325-20.
- 8.4.8. Upon review of the Neighbourhood 4 Site Layout Plan accompanying the application, the private open space areas serving these reorientated dwellings comply with Specific Planning Policy Requirement 2 outlined in the recently published Sustainable Residential Development and Compact Settlements - Guidelines for Planning Authorities (2024).

Access and Car Parking

- 8.4.9. The reorientation of these 4 no. houses in Neighbourhood 4 has resulted in alterations to the road layout and adjacent public open spaces areas. More specifically, the internal access road extending along the site's western boundary has been reduced in length and reorientated (east-west direction) so that it sits to the front (south) of the reorientated dwellings and the positioning/layout of the public open space area has been altered as a result of the road layout alterations. These alterations are localised and minor in nature. Therefore, they are not considered problematic in the context of the wider scheme or road safety more broadly.
- 8.4.10. In terms of car parking provision, the proposed houses continue to be served by 2 no. car parking spaces, consistent with the requirements of Specific Planning Policy Requirement 3 outlined in the recently published Sustainable Residential Development and Compact Settlements - Guidelines for Planning Authorities (2024), as well as the Cork City Development Plan 2022-2028.

8.5. Appropriate Assessment/Environmental Impact Assessment Screening

- 8.5.1. A Natura Impact Statement was submitted with the original application under ABP Ref. ABP-306325-20. It concluded that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on Natura 2000 Sites, including the Great Island Channel SAC (Site Code 001058) and the Cork Harbour SPA (Site Code 00430). The Board undertook Appropriate Assessment and concluded that the proposed development either individually or in combination with other plans or projects would not have a significant effect on any European site, in view of the sites' conservation objectives. Having considered the Board's determination on Appropriate Assessment and Section 11 of the Inspector's Report pertaining to ABP Ref. ABP-306325-20, in addition to the nature, scale and limited extent of the proposed alterations relative to the permitted development under ABP Ref. ABP-306325-20, I consider it reasonable to conclude that the alterations proposed, individually or in combination with other plans or projects, would not be likely to have a significant effect on any European sites, in view of the sites' conservation objectives.
- 8.5.2. An environmental impact assessment screening report was not submitted with the application and/ or appeal. The original application, under ABP Ref. ABP-306325-20, was subject to an Environmental Impact Assessment. The proposed alterations would not alter the nature or general scale of the permitted development. Given that the subject proposal is essentially limited to minor revisions of the aforementioned permitted development and does not require the wider project to be assessed from first principles, in my opinion the submission of an EIA is not required in this instance. Given the limited scale/nature of the proposed alterations, the site's locational context and the context of the development site, I am satisfied that they would not have the potential to give rise to likely significant effects on the environment that would alter the conclusions of the previous Environmental Impact Assessment for the permitted scheme. A Screening Determination should be issued confirming that there is no requirement for an EIAR based on the above considerations. Please refer to the EIA Preliminary Examination included at Appendix 1.

9.0 Recommended Order

Appeal by Longview Estates Limited C/O Tom Phillips and Associates, 1 Horgan's Quay, Waterfront Square, Cork City, and Michael Kearney, Altomount SP, Mount Alto, Glanmire, Co. Cork, against the decision made on 20th December 2023, by Cork City Council to grant subject to conditions a permission to Longview Estates Limited in accordance with plans and particulars lodged with the said Council.

Proposed Development

A 'Large-Scale Residential Development' (LRD), at Lahardane, Ballyvolane, Cork City, comprising of modifications to the previously granted Strategic Housing Development permitted Strategic Housing Development ABP Ref. ABP-306325-20, which involve amendments to Neighbourhoods 2 and 4 and amendments to Condition No. 3 to extend the permission period to 10 years. The proposed modifications to the applicable neighbourhoods will consist of the following:

- In Neighbourhood 2: - replacement of 3 no. detached houses (Nos. 103-105) with 2 no. detached houses; replacement of 2 no. semi-detached houses (Nos. 66 and 67) with 1 no. detached house; removal of 1 no. mid-terrace house (No. 39); and amendments to the road layout and amenity pathway.
- In Neighbourhood 4: - 4 no. houses (Nos. 51-54) will be reorientated and the road layout subject to localised amendments.

The proposed modifications would result in a 3 no. unit reduction resulting in an overall total of 750 no. residential units.

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to

have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

In coming to its decision, the Board had regard to the following:

- a) The policies and objectives in the Cork City Development Plan 2022-2028, including the location of the site on lands subject to Zoning Objective 'ZO 02 - New Residential Neighbourhoods' which seeks 'to provide for new residential development in tandem with the provision of the necessary social and physical infrastructure.'
- b) The nature, scale and design of the proposed development;
- c) The pattern of existing development in the area;
- d) The planning history of the site and within the area;
- e) The factors impacting upon the commencement/advancement of this development;
- f) Housing for All – A New Housing Plan for Ireland, 2021;
- g) Project Ireland 2040 - National Planning Framework;
- h) The Regional Spatial and Economic Strategy for the Southern Region, 2020;
- i) The Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities, 2024;
- j) The reports of the Planning Authority, including its assessment and recommendation to grant permission subject to conditions;
- k) Submissions received by the Planning Authority from observers and prescribed bodies,
- l) The grounds of appeal and subsequent responses to the same; and
- m) The report and recommendation of the Inspector including the examination, analysis and evaluation undertaken in relation to appropriate assessment and environmental impact assessment.

Appropriate Assessment

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on European Sites, taking in to account the Board's determination on Appropriate Assessment and Section 11 of the

Inspector's Report pertaining to ABP Ref. ABP-306325-20, the nature, scale and limited extent of the proposed alterations relative to the permitted development under ABP Ref. ABP-306325-20 and the Inspector's Report. In completing the screening exercise, the Board agreed with and adopted the report of the Inspector and that, by itself or in combination with other development, plans and projects in the vicinity, the proposed development would not be likely to have a significant effect on any European Site in view of the conservation objectives of such sites, and that a Stage 2 Appropriate Assessment is not, therefore, required.

Environmental Impact Assessment

The Board completed preliminary examination for environmental impact assessment of the proposed development and concluded that it would not have the potential to have significant effects on the environment, having regard to the limited scale/nature of the proposed alterations to the permitted development ABP Ref. ABP-306325-20, the site's locational context and the context of the development site. Given that the subject proposal is limited to minor revisions of the permitted development ABP Ref. ABP-306325-20 which do not require the wider project to be assessed from first principles, it is considered that the proposed development would not have the potential to give rise to likely significant effects on the environment that would alter the conclusions of the previous Environmental Impact Assessment for the permitted scheme and submission of an environmental impact assessment report would not, therefore, be required.

Conclusions on Proper Planning and Sustainable Development:

The Board considered that the proposed development would be consistent with the policies and objectives of the Cork City Development Plan 2022-2028, would constitute an acceptable design and layout of residential accommodation, would not seriously injure the residential or visual amenities of property in the vicinity, would be capable of being adequately served by surface water, wastewater, and water supply networks, and would be acceptable in terms of flood risk. In the context of the amendments pertaining to the duration of permission, it is appropriate to amend the applicable condition in this instance having regard to the scale/nature of development approved on site under ABP Ref. ABP-306325-20, the factors impacting upon the

commencement/advancement of this development and given considerable progress has been made in the context of enabling works/initial infrastructure provision on site. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement, such issues may be referred to An Bord Pleanála for determination.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>(a) Apart from any departure specifically authorised by this permission, the development shall be carried out and completed in accordance with the terms and conditions of the permitted Strategic Housing Development ABP Ref. ABP-306325-20.</p> <p>(b) The total number of residential units permitted in this development is 750 no.</p> <p>(c) The duration of the permission granted herein shall be 10-years from the date of the Board's Order for permitted Strategic Housing Development ABP Ref. ABP-306325-20.</p> <p>Reason: In the interest of clarity, to ensure that the overall development is carried out in accordance with the previous permission and allow sufficient time for the construction of the permitted development.</p>

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Margaret Commane
Planning Inspector

19th March 2024

Appendix 1 - Form 2
EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP-318904-24	
Proposed Development Summary	Modifications to previously granted development ABP Ref. ABP-306325-20, consisting of amendments to Neighbourhoods 2 and 4 of the permitted SHD and amendment of Condition No. 3 to extend the permission period to 10 years.	
Development Address	Lahardane, Ballyvolane, Cork City	
The Board carries out a preliminary examination [Ref. Art. 109(2)(a), Planning and Development Regulations 2001 (as amended)] of, at least, the nature, size or location of the proposed development having regard to the criteria set out in Schedule 7 of the Regulations.		
	Examination	Yes/No/ Uncertain
Nature of the Development Is the nature of the proposed development exceptional in the context of the existing environment?	Proposal for modifications to previously granted Strategic Housing Development ABP Ref. ABP-306325-20, which involved the construction of 753 no. residential units and a crèche. More specifically, in Neighbourhood 2 replacement of 3 no. detached houses (Nos. 103-105) with 2 no. detached houses; replacement of 2 no. semi-detached houses (Nos. 66 and 67) with 1 no. detached house; removal of 1 no. mid-terrace house (No. 39); and amendments to the road layout and amenity pathway are proposed, and in Neighbourhood 4 reorientation of 4 no. houses (Nos. 51-54); and localised amendments to the road layout are proposed. The proposed amendments are not considered exceptional in the context of the previously permitted development given they are limited to 10 no. of the 753 no. dwellings originally approved and the areas immediately adjacent to these dwellings. The overall no. of dwellings featuring on site as a result of the proposed development will be 750 no., a 3 no. unit reduction.	No
Will the development result in the production of any significant waste, emissions or pollutants?	No significant emissions resultant.	No

<p>Size of the Development</p> <p>Is the size of the proposed development exceptional in the context of the existing environment?</p> <p>Are there significant cumulative considerations having regard to other existing and/or permitted projects?</p>	<p>The proposal is not considered exceptional in the context of the site involved in the previously permitted development under ABP Ref. ABP-306325-20. It is limited to an area of c. 9,130sqm and the wider development site comprises a 46.93ha parcel.</p> <p>There is no increase in the overall number of residential units to be developed on site as a result of these amendment proposals so no new issues of cumulative impact arising.</p>	<p>No</p> <p>No</p>
<p>Location of the Development</p> <p>Is the proposed development located on, in, adjoining or does it have the potential to significantly impact on an ecologically sensitive site or location?</p> <p>Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area?</p>	<p>The appeal site is located a significant distance away (c. 2.8km) from the nearest European sites, being the Cork Harbour SPA (Site Code 00430). It is not considered that the proposed amendments would have a significant impact on the same.</p> <p>Given the scale and nature of the subject amendments and the nature of the surrounding area, the proposed development would not significantly affect the area's environmental sensitivities.</p>	<p>No</p> <p>No</p>
<p>Conclusion</p>		
<p>There is no real likelihood of significant effects on the environment.</p> <p>EIA not required.</p>		

Inspector: _____

Date: _____

DP/ADP: _____

Date: _____

(only where Schedule 7A information or EIAR required)